

54-8c-1. Definitions.

As used in this chapter:

- (1) "Authorized person" means an employee or agent:
 - (a) of a public utility that:
 - (i) generates, transmits, or delivers electricity; or
 - (ii) provides and whose work relates to communication services;
 - (b) of an industrial plant whose work relates to the electrical system of the industrial plant;
 - (c) of a cable television or communication services company, or of a contractor of cable television or communication services company, if specifically and expressly authorized by the owner of the poles to make cable television or communication services attachments; or
 - (d) of a state, county, or municipal agency which has or whose work relates to:
 - (i) overhead electrical lines;
 - (ii) overhead lighting systems;
 - (iii) authorized overhead circuit construction;
 - (iv) conductors on poles; or
 - (v) structures of any type.
- (2) "Business day" means any day other than Saturday, Sunday, or a legal holiday.
- (3) "High voltage" means voltage in excess of 600 volts measured between:
 - (a) conductors; or
 - (b) a conductor and the ground.
- (4) "Overhead line" means all bare or insulated electrical conductors installed above the ground.
- (5) "Public utility" means any entity that generates, transmits, or distributes electrical energy, including any:
 - (a) public utility as defined in Title 54, Chapter 2;
 - (b) municipality as defined in Title 10;
 - (c) agricultural cooperative association as defined in Title 3;
 - (d) improvement district as defined in Section 17B-1-102; or
 - (e) entity created pursuant to Title 11, Chapter 13, Interlocal Cooperation Act.
- (6) "Responsible party" means any person who contracts to perform, is responsible for the performance of, or has control over, any function or activity at any location.

Amended by Chapter 329, 2007 General Session

54-8c-2. Notification to public utility -- Protective measures -- Procedures -- Payment.

- (1) No person or thing may be brought within 10 feet of any high voltage overhead line unless:
 - (a) a responsible party has notified the public utility operating the high voltage overhead line of the intended activity; and
 - (b) a responsible party and the public utility have completed mutually satisfactory precautions for the activity.

(2) If the identity of the public utility owning or operating the high voltage overhead line is unknown, the county clerk in the county where the line is located shall provide the name, address, and telephone number of the utility's designated representative. If there is an association as provided in Section 54-8c-6 in the county, the association shall provide this information. The notification required in Subsection (1)(a) shall be given by telephone or in person and shall include the location and duration of the proposed activity.

(3) Mutually satisfactory precautions required in Subsection (1)(b) may include:

- (a) coordination of work, construction, and activity schedules;
- (b) placement of temporary mechanical barriers to separate and prevent contact between persons or things and the high voltage overhead line;
- (c) temporary deenergization and grounding or temporary relocation or raising of the high voltage overhead line.

(4) If a responsible party is under contract or agreement with a governmental entity, and the governmental entity and the public utility operating the high voltage overhead line have already reached agreement concerning precautions, further agreements for the activity are not required.

(5) All responsible parties are obligated to pay to the public utility operating the high voltage overhead line the cost of mutually satisfactory precautions, except if:

- (a) prior arrangements for payment have been made between a governmental entity for whom the work is to be done and the public utility operating the line; or
- (b) the public utility operating the line has not installed the line in conformance with the National Electrical Safety Code or its preceding code in effect at the time the line was constructed.

(6) (a) Unless other arrangements are necessary, the public utility operating the high voltage overhead line shall commence the precautionary measures:

- (i) within three business days after the date an agreement for payment, if required, has been reached; or
- (ii) if no payment is required, within five business days after the date of the request of a responsible party.

(b) The public utility shall not be required to provide the precautionary measures until an agreement for payment, if required, has been reached. Once started, the precautionary measures shall continue without unreasonable interruption until completed.

Enacted by Chapter 250, 1988 General Session

54-8c-3. Information filed with county clerk.

(1) A public utility shall file with the county clerk of each county in which it has high voltage overhead lines a list containing:

- (a) the name of the public utility owning the high voltage overhead lines;
- (b) the name of any municipality, city, or town where the public utility operates high voltage overhead lines; and
- (c) the name, title, and address of its representative designated to receive calls for activity close to its high voltage overhead lines.

(2) In counties where an association provided in Section 54-8c-6 is established,

the telephone number of the association shall be filed with the county clerk on behalf of all participating public utilities.

Amended by Chapter 39, 1989 General Session

54-8c-4. Violation.

(1) Any responsible party who causes, permits, or allows a function or an activity in violation of any provision of this chapter is subject to a civil penalty in an amount not to exceed \$1,000, to be imposed by any court of competent jurisdiction against this party and in favor of the state. If imposed, the fine shall be paid into the General Fund.

(2) Actions to recover the civil penalty under this section shall be brought by a public utility or the county attorney of the county in which the violation occurs.

(3) A responsible party is liable to the public utility operating the high voltage overhead line for all damages to the facilities and for all liability incurred by the public utility as a result of any contact if:

(a) the responsible party causes, permits, or allows a function or an activity in violation of any provision of this chapter; and

(b) as a result, a physical or electrical contact with a high voltage overhead line occurs.

Enacted by Chapter 250, 1988 General Session

54-8c-5. Exemptions.

This chapter does not apply to construction, reconstruction, operation, or maintenance by an authorized person of:

(a) overhead electrical, cable television, or communications circuits or conductors and their supporting structures;

(b) electrical generating, transmission, or distribution systems; or

(c) communications, cable television, or overhead lighting systems.

Enacted by Chapter 250, 1988 General Session

54-8c-6. Association for mutual receipt of notification of activities close to high voltage overhead lines.

(1) Public utilities may form and operate an association providing for mutual receipt of notification of activities close to high voltage overhead lines in a specified area.

(2) In areas where an association is formed:

(a) notification to the association is effected as set forth in Section 54-8c-2; and

(b) public utilities with high voltage overhead lines in the area:

(i) may become members of the association;

(ii) may participate in and receive the services furnished by the association; and

(iii) shall pay their proportionate share of the cost for the services furnished.

(3) The association whose members or participants have high voltage overhead lines within a county shall file a list containing the name, address, and telephone number of every member and participating public utility with the county clerk.

(4) If notification is made by telephone, an adequate record shall be maintained by the association to document compliance with the requirements of this chapter.

Amended by Chapter 10, 1997 General Session